

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. New claim 42 is added, and claims 1-42 are pending in the application.

Support for the new claim 42 is found, *inter alia*, at page 8, lines 11-14, and 20-25.

In response to the objection to the drawings, the specification has been amended to ensure consistency with the drawings. Hence, it is believed the specification and drawings are in proper form.

Claims 1, 3-5, 7-8, 12, 14, 16, 20, 22-24, 26-27, 31, 33-35, and 37-38 stand rejected under 35 USC § 103 in view of U.S. Patent No. 5,950,123 to Schwelb et al. in view of U.S. Patent No. 5,832,221 to Jones, and U.S. Patent No. 5,640,590 to Luther. This rejection is respectfully traversed.

Claims 1, 20 and 31 each specify an arrangement for executing messaging operations, including receiving a short message service (SMS) message that specifies a text-to-speech messaging command, a text-based message, and a messaging destination. These independent claims also specify detecting the text-to-speech messaging command during parsing of the SMS message; invoking a text-to-speech resource for conversion of the text-based message into an audible message in response to detecting the text-to-speech messaging command; and outputting the audible message for delivery to the messaging destination.

Independent claim 12 specifies a server configured for executing messaging operations. The server includes an interface, a text-to-speech resource interface, and an SMS command processor. The interface is configured for receiving a short message service (SMS) message, containing a text-to-speech messaging command, a text-based message, and a messaging

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destination, according to a prescribed network protocol. The text-to-speech resource interface is configured for controlling conversion of the text-based message into an audible message. The SMS command processor is configured for parsing the SMS message and invoking the text-to-speech resource for conversion of the text-based message into the audible message in response to detecting the text-to-speech messaging command, the SMS command processor configured for outputting the audible message for delivery to the messaging destination.

Hence, each of the independent claims specify that the text-to-speech resource is invoked in response to detecting the text-to-speech messaging command within the SMS message. Hence, an originator of the SMS message can request conversion of the text-based message into an audible message, regardless of message type preferences for the messaging destination. These and other features are neither disclosed nor suggested in the applied prior art.

As admitted in the Official Action, Schwelb et al. does not disclose receiving an SMS message that specifies a text-to-speech messaging command. The Official Action also admits that Schwelb et al. does not disclose detecting the text-to-speech messaging command during parsing of the SMS message, let alone invoking the text-to-speech resource in response to detecting the text-to-speech messaging command.

Further, col. 5, lines 47-52 specify that the decision for performing text-to-speech conversion is based on subscriber attribute information (e.g., a non-seeing subscriber (NSS) field) that specifies that the subscriber has activated a feature for automatic text-to-speech operations. Moreover, Schwelb et al. discloses that the audio device 40 is separate from the mobile switching center 22 (configured for handling mobile telephony connections) and the short message service center 26.

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Jones neither discloses nor suggests receiving an SMS message that specifies a text-to-speech messaging command, as asserted in the Official Action. Rather, Jones discloses a universal message storage system that provides a generalized messaging system that refers to entities having handles as unique identifiers for a universal directory network service. However, Jones discloses that attributes of the entity include a preferred media format for receiving messages. Hence, the destination entity indicates its preferred media format in terms of a "preferred reception media" attribute (col. 6, lines 46-53).

Moreover, the description at col. 8, lines 50-62 of Jones is a description of a sender 500 interacting with a message composition service 710: the message composition service 710 permits a message to be composed by the sender 500 and associated with a destination query (col. 8, lines 29-30). Hence, the sender 500 interacts with the message composition service 710 to compose a message, and then the sending entity 500 instructs the message composition service 710 to transfer the composed message to the message delivery service 720 (col. 12, lines 9-14). Hence, the description at col. 8, lines 50-62 refers to the message composition service 710 sending a query to the network director service in order to identify the preferred media format.

Jones makes no reference whatsoever to SMS messages, let alone that a text-to-speech messaging command is inserted within the SMS message, as claimed. Rather, Jones merely discloses that a text-based message may be converted to the preferred media format based on performing query techniques to identify the preferred media format of the destination subscriber. Jones provides no disclosure or suggestion that the SMS message includes a text-to-speech messaging command, as asserted.

Luther is non-analogous art because it is not within the field of the inventors' endeavor,

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namely providing unified messaging systems configured for receiving, storing, and supplying SMS messages to a subscriber. Rather, Luther is directed to scripting a text-to-speech based multimedia presentation in which a scripting file having text narration and multimedia commands are processed to separate the text from the commands for concurrent synchronized presentation of the text narration and the multimedia commands. Further, Luther is not reasonably pertinent to the particular problem with which the inventors were involved, namely enabling SMS subscribers to send data messages to a destination, regardless of whether the destination has SMS capabilities. Luther provides no disclosure or suggestion of converting an SMS message to an audible message, and as such is non-analogous art. In re Wood, 202 USPQ 171, 174 (CCPA 1979).

Further, the cited portions of Luther are directed to processing multimedia script files, illustrated in Figure 4 (col. 2, lines 33-44). Hence, the cited portions citing steps 302 and 318 of Figures 3(a) and 3(b) merely refer to execution of text-to-speech for a multimedia script that provides information for a multimedia presentation of narration, music, and images. (See Figures 5 and 6 as examples of a multimedia presentation). One having ordinary skill in the art would not have been motivated to apply the teachings of Luther to Schwelb et al. or Jones, since Luther has no relevance whatsoever to the transfer of SMS messages.

Moreover, the asserted motivation specified in the Official Action for adding Luther (“... to avoid the possibility of desynchronization between the speech commands and the text with which those commands are associated”) is nonsensical in the context of converting SMS messages to speech. Although desynchronization is of importance in multimedia presentations, desynchronization is nonexistent in the case of a text message being converted to an audible

message because SMS messaging systems do no provide for concurrent presentation of text and audio.

Further, the resulting hypothetical combination neither discloses nor suggests the claimed feature of receiving an SMS message that specifies a text-to-speech messaging command, a text-based message, and a messaging destination, let alone detecting the text-to-speech messaging command during parsing of the SMS message, or invoking the text-to-speech resource in response to detecting the text-to-speech messaging command. Rather, the hypothetical combination of Schwelb et al., Jones and Luther would provide no more than an SMS message that is converted to speech only if the destination subscriber attribute specifies the text-to-speech is to be performed.

Independent claims 1, 12, 20, and 31, however, specify that the SMS message itself includes the text-to-speech messaging command, enabling the sender of the SMS message to request text-to-speech to be performed merely by sending the SMS message. As described above Jones requires the sender to manually interact with the message composition services 710 in order to create the message.

Moreover, the hypothetical combination will not work if the destination subscriber profile information is not explicitly request text-to-speech to be performed. The insertion of the claimed text-to-speech messaging command, however, enables an SMS message to be converted to an audible message, even if the destination subscriber has unspecified text-to-speech operations to be performed. Hence, this rejection should be withdrawn.

Further, the rejection of claim 12 is deficient because it fails to identify how any one of the references, singly or in combination, discloses or suggests the claimed SMS command

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processor as specified in claim 12. In particular, the Official Action fails to establish a *prima facie* case of obviousness because there is no indication that any of the references disclose, singly or in combination, the claimed SMS command processor configured for parsing the SMS message and invoking the text-to-speech resource for conversion of the text-based message into the audible message in response to detecting the text-to-speech messaging command, as claimed.

For these and other reasons, the rejection of independent claims 1, 12, 20, and 31 should be withdrawn.

Claims 6, 9-11, 13, 15, 17-19, 25, 28-30, 36, and 39-41 stand rejected under 35 USC §103 in view of Schwelb et al., Jones, Luther, and U.S. Patent No. 6,665,378 to Spielman et al. As demonstrated by the Statement of Common Ownership on the following page, this rejection should be withdrawn because Spielman et al. is not available as a reference under §103(c). Hence, this rejection should be withdrawn.

STATEMENT OF COMMON OWNERSHIP

At the time the invention claimed in the subject application was made, the subject application 09/846,225 and U.S. Patent No. 6,665,378 to Spielman et al. were owned by, or subject to an obligation of assignment to, the same entity (Cisco Technology, Inc., of San Jose, California).

CONCLUSION

The indication of allowable subject matter in claims 2, 21 and 32 is acknowledged and appreciated. It is believed these claims are in allowable form in view of the foregoing.

In view of the above, it is believed this application is and condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R.

1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-460, and please credit any excess fees to such deposit account.

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